

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

1) DUSTIN LANCE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 17-CV-378-KEW
	)	<b>JURY TRIAL DEMANDED</b>
1) BOARD OF COUNTY COMMISSIONERS	)	
OF PITTSBURG COUNTY, OKLAHOMA,	)	
2) CHRIS MORRIS, as Sheriff of Pittsburg	)	
County, State of Oklahoma,	)	
3) DEPUTY MICKY DOE,	)	
4) DEPUTY JOHN SMEAD,	)	
5) DEPUTY TYLER MORGAN,	)	
6) NURSE DORIS BARLOW,	)	
7) JOHN DOES 1-10, as Employees of the	)	
Pittsburg County Sheriff's Office,	)	
	)	
Defendants.	)	

**NOTICE AND PETITION FOR REMOVAL**

Defendant, Chris Morris, as Sheriff of Pittsburg County, State of Oklahoma, hereby gives notice of his removal of the action currently pending in the District Court of Pittsburg County, State of Oklahoma, pursuant to 28 U.S.C. §1441 et seq., Fed. R. Civ. P. 81(c), and Local Rules 81.1 and 81.2 of the United States District Court for the Eastern District of Oklahoma. In support of his Notice and Petition of Removal, Defendant provides to the Court as follows:

1. The captioned proceeding was filed in the District Court of Pittsburg County, State of Oklahoma, on September 18, 2017, and is styled Dustin Lance v. Board of County Commissioners of Pittsburg County, Oklahoma, et al., Case No. CJ-2017-206.

2. Defendant Morris was served with process on September 22, 2017. Although multiple defendants have been named, he is the only defendant who has been served with

process. An answer or responsive pleading is due on October 12, 2017.<sup>1</sup> No answer or responsive pleading has been filed in the state court proceedings.

3. The captioned proceeding is a civil rights action for damages.

4. The United States District Court for the Eastern District of Oklahoma has original subject matter jurisdiction of this case pursuant to 28 U.S.C. §1331. More specifically, Plaintiff alleges in his Petition in paragraphs 16 and 17 that he was deprived of his rights in violation of the Eighth Amendment to the Constitution of the United States and his constitutional right to substantive due process. He seeks redress under federal law, 42 U.S.C. § 1983.

5. Pursuant to Local Rule 81.2, the following Exhibits are attached:

Exhibit 1 - State Court Docket Sheet  
Exhibit 2 - Petition  
Exhibit 3 - Issued Summons  
Exhibit 4 - Proof of Service of Summons

WHEREFORE, Defendant Chris Morris, Sheriff of Pittsburg County, in his official capacity, respectfully requests that this action be removed from the District Court of Pittsburg County, State of Oklahoma, to the United States District Court for the Eastern District of Oklahoma, and for such other and further relief as this Court deems proper under the circumstances.

---

<sup>1</sup> However, with this Removal and pursuant to Fed. R. Civ. P. 81c, seven additional days are given after the Removal to file a responsive pleading.

Respectfully submitted,

s/ Andy A. Artus

Andy A. Artus, OBA No. 16169  
COLLINS, ZORN & WAGNER, P.C.  
429 N.E. 50th Street, Second Floor  
Oklahoma City, OK 73105  
Telephone: (405) 524-2070  
Facsimile: (405) 524-2078  
Email: [aaa@czwlaw.com](mailto:aaa@czwlaw.com)

*Attorney for Defendant Board of County  
Commissioners of Pittsburg County,  
Oklahoma, et al.*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2017, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants. Also, I have mailed through the U.S. Postal system prepaid the above document to:

Jon M. Williford  
Jason B. Reynolds  
Billy D. Griffin  
GRIFFIN, REYNOLDS & ASSOCIATES  
210 Southeast 89<sup>th</sup> Street  
Oklahoma City, OK 73149

*Attorneys for Plaintiff*

s/Andy Artus

Andy Artus